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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/809,440

03/15/2001

Gareth Hougham

4926

7590

09/22/2005

Thomas A. Beck
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New Milford, CT 06776

EXAMINER

HUSON, MONICA A

ART UNIT

PAPER NUMBER

1732

DATE MAILED: 09/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action Before the Filing of an Appeal Brief	Application No. 09/809,440	Applicant(s) HOUGHAM, GARETH	
	Examiner Monica A. Huson <i>Malh</i>	Art Unit 1732	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 25 August 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
- Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed; may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
- (a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ They raise the issue of new matter (see NOTE below);
- (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
- The status of the claim(s) is (or will be) as follows:
- Claim(s) allowed: _____.
- Claim(s) objected to: _____.
- Claim(s) rejected: 1,4 and 7-10.
- Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____.
13. ☐ Other: _____.

Continuation of 3. NOTE: The addition of specific material requirements, the closed claim language, and the dimension maintenance requirement require further consideration and search.

Continuation of 11. does NOT place the application in condition for allowance because: Although applicant contends that the claims have not been suggested by the prior art, the examiner maintains her rejections.

Applicant contends that "room temperature" is recognized as usually being between 20 and 25 C. Although in some instances, the room temperature may fall within that range, but the range cannot exclusively define the term "room temperature". To say that the term "room temperature" only applies to temperatures of between 20 C and 25 C would mean that, for a room heated to 150 C, one could not describe 150°C as the room temperature. Clearly, any temperature at which a room exists could, in the broadest possible interpretation of the term, be called the room temperature.

With regard to any of applicant's arguments dealing with maintaining precise dimensions, it is noted that this limitation added after the final rejection was issued and would require further search and consideration.

With regard to any of applicant's arguments dealing with the newly-added material requirements, it is noted that this limitation was added after the final rejection was issued and would require further search and consideration.

With regard to Muller's operating temperatures, it is noted that Muller's disclosure was not relied upon to suggest applicant's operating range.

Applicant contends that Muller does not use a two-step method and that fillers would not be useable in applicant's final product. It is noted that applicant has included closed claim language per the amendment filed after the final rejection was issued, which changes the scope of the claim. This requires further consideration or search. With regard to Muller's two step method, see Table II, "P.C.".

Applicant contends that the examiner has not provided support for her position that "by being in an enclosed mold, the retained mix will naturally maintain the precise dimension of the mold cavity". It is firstly noted that the examiner has not stated the exact quote above, because maintenance of precise dimension has not been previously required. However, she has stated that by being in an enclosed mold cavity, the mix will retain the general shape and size of the mold cavity. For support, she has cited the Injection Molding Handbook, page 4, cited in the Office Action mailed 19 May 2005.

With regard to the Ciullo publication, the examiner is maintaining her position that the Ciullo publication was not cited as part of the rejection, but only as evidence of the examiner's position on the subject in question. Therefore, the use of the Ciullo publication will not be withdrawn.

With regard to the time period of one week, it is maintained that Domeier does, in fact, teach this time frame (see Response to Arguments, mailed 19 May 2005).



MICHAEL P. COLAIANNI
SUPERVISORY PATENT EXAMINER